

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JERRY W. CARROLL,)
)
Plaintiff,)
)
v.) **No. 3:13-0152**
) **Judge Sharp**
DR. PELMOME; TONYA TAYLOR;)
CONNIE BLANTON; DR. CHERRY;)
and CCA, INC.,)
)
Defendants.)

ORDER

Magistrate Judge Brown has entered a Report and Recommendation (“R & R”) (Docket No. 163) in which he recommends that Defendants’ Motion for Summary Judgment (Docket No. 114) be granted, that this action be dismissed with prejudice, and that any appeal not be certified as taken in good faith. Despite being advised in the R & R that a failure to file specific objections within fourteen days of receipt of the R&R could result in waiver, Plaintiff has filed no objections.

In accordance with Rule 72(b) of the Federal Rules of Civil Procedure, the Court has reviewed the matter *de novo*. Having undertaken that review, the Court agrees with Magistrate Judge Brown that dismissal is appropriate because the facts in the record establish that Plaintiff was provided medical care for his hepatitis C and that, while Plaintiff may have wanted a different regimen, the mere disagreement with the treatment he received does not establish cruel and unusual punishment under the Eighth Amendment.

Accordingly, the Court rules as follows:

- (1) The R & R (Docket No. 163) is hereby ACCEPTED and APPROVED;

- (2) Defendants' Motion for Summary Judgment (Docket No. 114) is hereby GRANTED;
- (3) Plaintiff's Complaint is hereby DISMISSED WITH PREJUDICE; and
- (4) Any appeal of this Order would not be taken in good faith for purposes of 28 U.S.C. § 1915(a)(3).

The Clerk of the Court shall enter a final judgment in favor of Defendants and against Plaintiff in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE